



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/921,903 | 08/06/2001 | Tomihiko Azuma | 048369-0126 | 8837 |

22428 7590 06/01/2005

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

| |
|----------|
| EXAMINER |
|----------|

MAMMEN, NATHAN SCOTT

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3671

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,903

Applicant(s)

AZUMA, TOMIHIKO

Examiner

Nathan S Mammen

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “a delivery agent” and “a plurality of delivery agents.” It is unclear whether the first recitation of delivery agent is encompassed by the latter recitation of a plurality.

Claim 1 also recites “at least two of said products” in the “seventh means” section. Previously, the claim recites (in the “second means” section) that the seller receives information regarding “at least one product of said plurality of products,” the plurality of products being sold by one seller. It is unclear whether the “at least two products” is a part of the plurality of products offered by the first seller or is a part of a new plurality of products by a different seller.

Claim 1 recites “a plurality of sellers” in the “seventh means” section. However, the claim has already set for only “a seller terminal used by a seller.”

Claim 8 recites “a first plurality of delivery agents” and “a second plurality of delivery agents.” But claim 8 has previously set forth “a delivery agent terminal used by a delivery agent.” Again, as with claim 1, it is unclear whether the first “delivery agent” is encompassed by one or both pluralities or whether each delivery agent of the plurality of delivery agents has a delivery agent terminal.

Art Unit: 3671

Claim 8 recites “a corresponding specified delivery agent terminal.” It is unclear whether this terminal is the same or a different terminal than the terminal set forth in the beginning of claim 8.

Claim 8 recites that the corresponding specified delivery agent receives “at least two pieces of purchase order identification information.” It is unclear whether these two pieces of purchase order identification information are the same purchase order identification information generated by the first and second seller terminals.

Response to Arguments

3. Applicant's arguments with respect to claim 1 have been given preliminary consideration. However, the amendment to claim 1 and new claim 8 present indefiniteness, as described in paragraph 2 above. Thus, further clarification of the claims is necessary before the arguments can be given full consideration.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (571) 272-6991. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

Art Unit: 3671

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (571) 272-6998. The fax number for this Group is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Nathan S. Mammen', with a long horizontal flourish extending to the right.

Nathan S. Mammen
Patent Examiner
Group 3600

NSM
5/31/05